

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0786-MWD-E **TCEQ ID:** RN102314671 and RN102320322 **CASE NO.:** 33503**RESPONDENT NAME:** Texas Department of Criminal Justice

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Texas Department of Criminal Justice Jester 1 Unit, located on the north bank of Oyster Creek, approximately 1,700 feet southwest of the point where the Grand Parkway intersects Oyster Creek, Fort Bend County ("Facility 1"); Texas Department of Criminal Justice Jester 3 Unit, located within the Beauford H. Jester State Prison Farm property, approximately 8,000 feet north of the intersection of U.S. Highway 90A and Harlem Road, approximately 5.0 miles west of Sugar Land, Fort Bend County ("Facility 2")</p> <p>TYPE OF OPERATION: Wastewater treatment facilities</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Frank Inmon, Director, Facilities Division, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77432-4011 Mr. Charles Marsh, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77432-4011 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 29 and April 25, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 9, 2007 (NOE)</p> <p>Background Facts: These were routine record reviews. Three violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the permitted effluent limits for Facility 1 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011475001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6 for Outfall 001A].</p> <p>2) Failed to submit the parameter data on the Discharge Monitoring Report for the pH minimum and maximum standard units, Total Suspended Solids daily average and maximum single grab and Ammonia Nitrogen daily average for the monitoring period ending April 30, 2006 for Facility 1 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011475001, Monitoring and Reporting Requirements No. 1 for Outfall 001A].</p> <p>3) Failed to comply with the permitted effluent limits for Facility 2 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011475003, Effluent Limitations and Monitoring Requirements Nos. 1, 2, 3 and 6 for Outfall 001A].</p>	<p>Total Assessed: \$14,365</p> <p>Total Deferred: \$2,873 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,492</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on May 15, 2007, the Respondent submitted to the TCEQ the required parameter data for the monitoring period ending April 30, 2006 for Facility 1.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with effluent limits of TPDES Permit No. WQ0011475001 and TPDES Permit No. WQ0011475003. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Attachment A
Docket Number: 2007-0786-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Department of Criminal Justice
Payable Penalty Amount:	Eleven Thousand Four Hundred Ninety-Two Dollars (\$11,492)
SEP Amount:	Eleven Thousand Four Hundred Ninety-Two Dollars (\$11,492)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Fort Bend County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned	14-May-2007	Screening	16-May-2007	EPA Due	
	PCW	16-May-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Criminal Justice		Jester Unit 3
Reg. Ent. Ref. No.	RN102314671		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33503	No. of Violations	1
Docket No.	2007-0786-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 167% Enhancement **Subtotals 2, 3, & 7** \$6,680

Notes A 167% enhancement is recommended for having 32 NOV's for self-reported effluent data violations, one NOV for a same or similar violation and one NOV without a same or similar violation within the last five years.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

	0% Enhancement*
Total EB Amounts	\$188
Approx. Cost of Compliance	\$2,000

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$10,680

OTHER FACTORS AS JUSTICE MAY REQUIRE

-10%

Adjustment -\$1,120

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommended reduction in the penalty so that the monthly self-reported effluent violations do not overly-impact the penalty amount and to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount \$9,560

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$9,560

DEFERRAL

20%

Adjustment -\$1,912

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

\$7,648

Screening Date 16-May-2007

Docket No. 2007-0786-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 33503

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102314671

Media [Statute] Water Quality

Enf. Coordinator Carl-Michel La Caille

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	33	165%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 167%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 167% enhancement is recommended for having 32 NOVs for self-reported effluent data violations, one NOV for a same or similar violation and one NOV without a same or similar violation within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 167%

Screening Date 16-May-2007

Docket No. 2007-0786-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Jes

Policy Revision 2 (September 2002)

Case ID No. 33503

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102314671

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a), TPDES Permit No. WQ0011475003, Effluent Limitations and Monitoring Requirements Nos. 1, 2, 3 and 6 for Outfall 001A

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on April 25, 2007. See attached effluent violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

304 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$188

Violation Final Penalty Total \$9,560

This violation Final Assessed Penalty (adjusted for limits) \$9,560

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 33503
Reg. Ent. Reference No. RN102314671
Media Water Quality
Violation No. 1

Jester Unit 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	28-Feb-2006	16-Jan-2008	1.9	\$188	n/a	\$188

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the date of compliance

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$188

Compliance History

Customer/Respondent/Owner-Operator: CN601550650 Texas Department of Criminal Justice Classification: AVERAGE Rating: 2.66

Regulated Entity: RN102314671 TDCJ JESTER 3 UNIT Classification: AVERAGE Site Rating: 1.64

ID Number(s): WASTEWATER PERMIT WQ0011475003
WASTEWATER PERMIT TX0089036
WASTEWATER EPA ID TX0089036
AIR NEW SOURCE PERMITS ACCOUNT NUMBER FG0590V
AIR NEW SOURCE PERMITS PERMIT 53645
AIR NEW SOURCE PERMITS PERMIT 42812
WASTEWATER LICENSING LICENSE WQ0011475003

Location: LOCATED WITHIN THE BEAUFORD H. JESTER STATE PRISON FARM PROPERTY, APPROX. 8000 FT N OF THE INTERSECTION OF US HWY 90A AND HARLEM RD, APPROX. 5 MILES WEST OF SUGAR LAND IN FORT BEND COUNTY Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 14, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 14, 2002 to May 14, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cari-Michel La Caille Phone: 512-239-1387

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 06/04/2002 (211346)
- 2 07/05/2002 (211349)
- 3 07/30/2002 (211352)
- 4 08/28/2002 (211355)
- 5 11/15/2002 (211360)
- 6 12/04/2002 (211364)
- 7 01/02/2003 (211367)
- 8 03/10/2003 (211372)
- 9 03/25/2003 (317850)
- 10 04/23/2003 (33875)
- 11 05/28/2003 (317851)
- 12 05/29/2003 (317849)
- 13 05/29/2003 (317852)
- 14 05/29/2003 (317853)
- 15 09/25/2003 (317854)
- 16 10/03/2003 (317855)
- 17 10/07/2003 (317856)
- 18 11/20/2003 (317858)

19	12/11/2003	(317859)
20	01/26/2004	(317860)
21	03/02/2004	(317861)
22	07/15/2004	(361578)
23	08/11/2004	(361579)
24	08/19/2004	(361580)
25	08/25/2004	(361583)
26	09/03/2004	(361581)
27	10/21/2004	(361582)
28	04/07/2005	(425007)
29	04/07/2005	(425008)
30	04/07/2005	(425009)
31	05/12/2005	(425004)
32	05/31/2005	(425003)
33	05/31/2005	(425010)
34	06/10/2005	(425005)
35	06/16/2005	(425006)
36	08/30/2005	(418583)
37	09/30/2005	(445632)
38	10/10/2005	(477325)
39	10/11/2005	(445633)
40	10/31/2005	(477326)
41	11/04/2005	(477327)
42	11/15/2005	(436567)
43	11/15/2005	(436623)
44	12/01/2005	(477328)
45	01/06/2006	(477329)
46	02/10/2006	(477330)
47	03/14/2006	(477324)
48	04/19/2006	(503997)
49	05/18/2006	(503998)
50	06/12/2006	(503999)
51	08/11/2006	(526364)
52	08/16/2006	(526365)
53	08/28/2006	(526366)
54	10/20/2006	(550584)
55	11/06/2006	(550585)
56	12/01/2006	(550586)
57	12/29/2006	(550587)
58	05/09/2007	(558177)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	05/31/2002	(211349)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2002	(211352)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2002	(211355)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	09/30/2002	(211360)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/31/2002	(211364)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			

Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2002	(211367)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2002	(211372)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2003	(317849)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2003	(317851)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2003	(317852)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/22/2003	(33875)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to ensure plus or minus 10 % accuracy with the flow recording instrument.		
Date	04/30/2003	(317853)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2003	(317854)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2003	(317855)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2004	(361581)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2004	(425010)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2005	(425003)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005	(425004)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2005	(425005)	

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2005 (445632)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2005 (477325)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2005 (445633)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/30/2005 (418583)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g)(4)(B)[G]		
Description:	Failure to provide operational back up blower.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with permitted effluent limits.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to collect the correct sample type.		
Date	12/31/2005 (477330)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2006 (503997)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2006 (503999)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2006 (526364)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2006 (526366)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2006 (550584)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2006 (550585)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006 (550586)		

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006	(550587)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2006		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2007		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		

- F. Environmental audits
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program. am.
N/A
 - J. Early compliance.
- Sites Outside of Texas
- N/A

Effluent Violation Table
Texas Department of Criminal Justice Jester Unit 3
TPDES Permit No. WQ0011475003

Permitted Effluent Limits Outfall 001A	Monitoring Period End Date									
	02/28/06	04/30/06	05/31/06	07/31/06	08/31/06	09/30/06	10/31/06	11/30/06	12/31/06	01/31/07
DO 6.0 Min. mg/L	C	C	C	4.0	5.6	C	C	C	C	5.9
pH 9.0 Max. SU	C	C	C	C	C	C	9.7	C	C	C
TSS Daily Avg. 15 mg/L	C	21.75	C	C	C	C	C	C	C	C
Total Residual Chlorine 1.0 Min. mg/L	C	0.8	0.5	C	0.0	0.8	C	C	C	C
Total Residual Chlorine 4.0 Max. mg/L	5.9	C	C	C	C	C	C	5.0	5.4	C

SU= Standard Units	TSS=Total Suspended Solids	DO = Dissolved Oxygen
mg/L = Milligrams per liter	C= Compliant	



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

DATES	Assigned	14-May-2007	Screening	16-May-2007	EPA Due	
	PCW	16-May-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Texas Department of Criminal Justice		Jester Unit 1
Reg. Ent. Ref. No.	RN102320322		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33503	No. of Violations	2	
Docket No.	2007-0786-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Cari-Michel La Caille	
Multi-Media		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$3,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 60% Enhancement **Subtotals 2, 3, & 7** \$1,860

Notes A 60% enhancement is recommended for having 11 NOVs for self-reported effluent data violations and one NOV for a same or similar violation within the last five years.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Subtotal 6 \$0

Total EB Amounts	\$185
Approx. Cost of Compliance	\$2,250

0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$4,960

OTHER FACTORS AS JUSTICE MAY REQUIRE -3% **Adjustment** -\$155

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommended reduction in the penalty so that the monthly self-reported effluent violations do not overly-impact the penalty amount.

Final Penalty Amount \$4,805

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$4,805

DEFERRAL 20% Reduction **Adjustment** -\$961

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$3,844

Screening Date 16-May-2007

Docket No. 2007-0786-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 33503

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102320322

Media [Statute] Water Quality

Enf. Coordinator Carl-Michel La Caille

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	12	60%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 60% enhancement is recommended for having 11 NOVs for self-reported effluent data violations and one NOV for a same or similar violation within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 16-May-2007

Docket No. 2007-0786-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Jes

Policy Revision 2 (September 2002)

Case ID No. 33503

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102320322

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a), TPDES Permit No. WQ0011475001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6 for Outfall 001A

Violation Description

Failed to comply with the permitted effluent limits as documented during a record review conducted on March 29, 2007. See attached effluent violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

183 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$172

Violation Final Penalty Total \$4,650

This violation Final Assessed Penalty (adjusted for limits) \$4,650

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 33503
Reg. Ent. Reference No. RN102320322
Media Water Quality
Violation No. 1

Jester Unit 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	30-Apr-2006	16-Jan-2008	1.7	\$172	n/a	\$172

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$172

Screening Date 16-May-2007

Docket No. 2007-0786-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Jest

Policy Revision 2 (September 2002)

Case ID No. 33503

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102320322

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0011475001, Monitoring and Reporting Requirements No. 1 for Outfall 001A

Violation Description

Failed to submit the parameter data on the DMR for the pH minimum and maximum standard units, Total Suspended Solids daily average and maximum single grab and Ammonia Nitrogen daily average for the monitoring period ending April 30, 2006, as documented during a record review conducted on March 29, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

380 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$155

This violation Final Assessed Penalty (adjusted for limits) \$155

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 33503
Reg. Ent. Reference No. RN102320322
Media Water Quality
Violation No. 2

Jester Unit 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2006	15-May-2007	1.0	\$13	n/a	\$13

Notes for DELAYED costs

The estimated cost associated with submitting data on a DMR. The date required is the date the reporting period ended for the required DMR data and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$13

Compliance History

Customer/Respondent/Owner-Operator:	CN601550650	Texas Department of Criminal Justice	Classification: AVERAGE	Rating: 2.66
Regulated Entity:	RN102320322	TDCJ JESTER 1 UNIT	Classification: AVERAGE	Site Rating: 0.44
ID Number(s):	WASTEWATER	PERMIT	WQ0011475001	
	WASTEWATER	PERMIT	TPDES0031674	
	WASTEWATER	PERMIT	TX0031674	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	FG0589G	
	AIR NEW SOURCE PERMITS	REGISTRATION	53644	
	AIR NEW SOURCE PERMITS	PERMIT	42762	
	PETROLEUM STORAGE TANK	REGISTRATION	56147	
	REGISTRATION			
	WASTEWATER LICENSING	LICENSE	WQ0011475001	
Location:	LOCATED ON THE N BANK OF OYSTER CREEK, APPROX. 1700 FT SW OF THE POINT WHERE THE GRAND PARKWAY INTERSECTS OYSTER CREEK IN FORT BEND COUNTY		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	May 14, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 14, 2002 to May 14, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cari-Michel La Caille Phone: 512-239-1387

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 06/04/2002 | (177926) |
| 2 | 07/05/2002 | (177928) |
| 3 | 07/30/2002 | (177930) |
| 4 | 08/28/2002 | (177932) |
| 5 | 10/01/2002 | (177934) |
| 6 | 11/15/2002 | (177936) |
| 7 | 01/02/2003 | (177939) |
| 8 | 03/10/2003 | (177941) |
| 9 | 04/23/2003 | (33198) |
| 10 | 05/29/2003 | (303700) |
| 11 | 05/29/2003 | (303702) |
| 12 | 09/12/2003 | (303704) |
| 13 | 09/25/2003 | (303703) |
| 14 | 10/07/2003 | (303705) |
| 15 | 11/20/2003 | (303706) |
| 16 | 12/11/2003 | (303707) |
| 17 | 01/26/2004 | (303708) |

18	03/02/2004	(303709)
19	03/25/2004	(303701)
20	07/15/2004	(355463)
21	07/28/2004	(272853)
22	08/11/2004	(355464)
23	08/19/2004	(355465)
24	08/22/2004	(355466)
25	08/25/2004	(355468)
26	09/14/2004	(355467)
27	04/07/2005	(442588)
28	04/07/2005	(442589)
29	04/07/2005	(421656)
30	04/07/2005	(421657)
31	04/07/2005	(421658)
32	04/07/2005	(421659)
33	05/12/2005	(421653)
34	05/12/2005	(421660)
35	05/31/2005	(421652)
36	06/10/2005	(421654)
37	06/16/2005	(421655)
38	08/16/2005	(522370)
39	09/30/2005	(442586)
40	10/10/2005	(471730)
41	10/11/2005	(442587)
42	10/31/2005	(471731)
43	12/01/2005	(471732)
44	12/20/2005	(440188)
45	01/23/2006	(452619)
46	02/10/2006	(471733)
47	03/14/2006	(471729)
48	04/19/2006	(500275)
49	05/18/2006	(500276)
50	06/12/2006	(500277)
51	08/11/2006	(522369)
52	08/28/2006	(522371)
53	10/20/2006	(547065)
54	11/06/2006	(547066)
55	12/01/2006	(547067)
56	12/29/2006	(547068)
57	05/09/2007	(555513)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	04/22/2003	(33198)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1).			
Rqmt Prov:	OP Effluent Limitations, Number 2			
Description:	Failure to maintain permitted effluent chlorine residual maximum.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)			
Description:	Failure to conduct required quality control measures for chlorine residual analysis.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT 11475-001			
Description:	Failure to ensure that only certified personnel perform the chlorine residual test.			
Date	06/30/2003	(303703)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2003	(303704)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2004	(303701)		

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2005	(442587)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2005	(471733)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2006	(500277)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2006	(547065)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2006	(547066)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006	(547067)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006	(547068)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2006		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Effluent Violation Table for Violation No. 1
Texas Department of Criminal Justice Jester Unit 1
TPDES Permit No. WQ0011475001

Permitted Effluent Limits Outfall 001A	Monitoring Period End Date					
	04/30/06	8/31/06	09/30/06	10/31/06	11/30/06	12/31/06
DO 5.0 Min. mg/L	C	1.9	C	C	C	4.6
Total Residual Chlorine 1.0 Min. mg/L	C	0.6	0.9	0.8	0.9	0.9
Total Residual Chlorine 4.0 Max. mg/L	6.1	6.1	C	5.7	C	C

mg/L = Milligrams per
liter

C= Compliant

DO = Dissolved Oxygen

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS DEPARTMENT OF
CRIMINAL JUSTICE
RN102320322, RN102314671**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0786-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Texas Department of Criminal Justice ("TDCJ") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and TDCJ appear before the Commission and together stipulate that:

1. TDCJ owns and operates wastewater treatment facilities at the following locations (the "Facilities"):
 - a. On the north bank of Oyster Creek, approximately 1,700 feet southwest of the point where the Grand Parkway intersects Oyster Creek in Fort Bend County, Texas ("Facility 1"); and
 - b. Within the Beauford H. Jester State Prison Farm property, approximately 8,000 feet north of the intersection of U.S. Highway 90A and Harlem Road, approximately 5.0 miles west of Sugar Land in Fort Bend County, Texas ("Facility 2").
2. TDCJ has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and TDCJ agree that the Commission has jurisdiction to enter this Agreed Order, and that TDCJ is subject to the Commission's jurisdiction.

4. TDCJ received notice of the violations alleged in Section II ("Allegations") on or about May 14, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by TDCJ of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Three Hundred Sixty-Five Dollars (\$14,365) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Eight Hundred Seventy-Three Dollars (\$2,873) is deferred contingent upon TDCJ's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If TDCJ fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require TDCJ to pay all or part of the deferred penalty. Eleven Thousand Four Hundred Ninety-Two Dollars (\$11,492) will be conditionally offset by TDJC's completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and TDCJ have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on May 15, 2007, TDCJ submitted to the TCEQ the required parameter data for the monitoring period ending April 30, 2006 for Facility 1.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that TDCJ has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, TDCJ is alleged to have:

1. Failed to comply with the permitted effluent limits for Facility 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011475001, Effluent Limitations and Monitoring Requirements Nos. 2 and 6 for Outfall 001A, as documented during a record review conducted on March 29, 2007, as indicated in the table below.

Effluent Violation Table Texas Department of Criminal Justice TPDES Permit No. WQ0011475001						
Permitted Effluent Limits Outfall 001A	Monitoring Period End Date					
	04/30/06	8/31/06	09/30/06	10/31/06	11/30/06	12/31/06
DO 5.0 Min. mg/L	C	1.9	C	C	C	4.6
Total Residual Chlorine 1.0 Min. mg/L	C	0.6	0.9	0.8	0.9	0.9
Total Residual Chlorine 4.0 Max. mg/L	6.1	6.1	C	5.7	C	C

mg/L = Milligrams per liter	C= Compliant	DO = Dissolved Oxygen
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2. Failed to submit the parameter data on the Discharge Monitoring Report for the pH minimum and maximum standard units, Total Suspended Solids daily average and maximum single grab and Ammonia Nitrogen daily average for the monitoring period ending April 30, 2006 for Facility 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011475001, Monitoring and Reporting Requirements No. 1 for Outfall 001A, as documented during a record review conducted on March 29, 2007.
3. Failed to comply with the permitted effluent limits for Facility 2, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0011475003, Effluent Limitations and Monitoring Requirements Nos. 1, 2, 3 and 6 for Outfall 001A, as documented during a record review conducted on April 25, 2007, as indicated in the table below.

Effluent Violation Table Texas Department of Criminal Justice TPDES Permit No. WQ0011475003										
Permitted Effluent Limits Outfall 001A	Monitoring Period End Date									
	02/28/06	04/30/06	05/31/06	07/31/06	08/31/06	09/30/06	10/31/06	11/30/06	12/31/06	01/31/07
DO 6.0 Min. mg/L	C	C	C	4.0	5.6	C	C	C	C	5.9
pH 9.0 Max. SU	C	C	C	C	C	C	9.7	C	C	C
TSS Daily Avg. 15 mg/L	C	21.75	C	C	C	C	C	C	C	C
Total Residual Chlorine 2.0 Min. mg/L	C	0.8	0.5	C	0.0	0.8	C	C	C	C
Total Residual Chlorine 4.0 Max. mg/L	5.9	C	C	C	C	C	C	5.0	5.4	C

SU= Standard Units	TSS=Total Suspended Solids	DO = Dissolved Oxygen
mg/L = Milligrams per liter	C= Compliant	

III. DENIALS

TDCJ generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that TDCJ pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and TDCJ's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Criminal Justice, Docket No. 2007-0786-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. TDCJ shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Four Hundred Ninety-Two Dollars (\$11,492) of the assessed administrative penalty shall be offset with the condition that TDCJ implement the SEP defined in Attachment A, incorporated herein by reference. TDCJ's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon full completion of all provisions of the SEP agreement.
3. It is further ordered that TDCJ shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with effluent limits of TPDES Permit No. WQ0011475001 and TPDES Permit No. WQ0011475003. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon TDCJ. TDCJ is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
5. If TDCJ fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, TDCJ's failure to comply is not a violation of this Agreed Order. TDCJ shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TDCJ shall notify the Executive Director within seven days after TDCJ becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by TDCJ shall be made in writing to the Executive Director. Extensions are not effective until TDCJ receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against TDCJ in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to TDCJ, or three days after the date on which the Commission mails notice of the Order to TDCJ, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Texas Department of Criminal Justice
DOCKET NO. 2007-0786-MWD-B
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

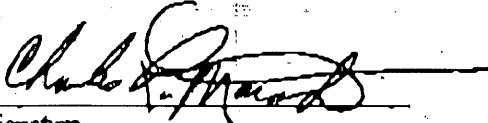
10/3/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7-19-07
Date

CHARLES MARSH
Name (Printed or typed)
Authorized Representative of
Texas Department of Criminal Justice

CHIEF FINANCIAL OFFICER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0786-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Department of Criminal Justice
Payable Penalty Amount:	Eleven Thousand Four Hundred Ninety-Two Dollars (\$11,492)
SEP Amount:	Eleven Thousand Four Hundred Ninety-Two Dollars (\$11,492)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Fort Bend County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

